

1 Karen Tynan, SBN 217775
1083 Vine Street, #201
2 Healdsburg, CA 95448
Telephone: (707) 395-0062
3 Facsimile: (707) 921-7352

4 Attorneys for Defendant
5 Intersec Interactive, Inc.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 SARAH BRAGA and MATTHEW
COTTONE,

12
13 Plaintiffs,

14 v.

15 INTERSEC INTERACTIVE, INC., and
16 DOES 1-25

17 Defendants
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Case No. cv-15-01145 DMR

**DECLARATION OF KAREN TYNAN IN
RESPONSE TO ORDER TO SHOW CAUSE**

DUE AUGUST 31, 2015

20 I, Karen Tynan, declare:

21 1. I am over the age of 18 and am an attorney at law duly licensed to practice before all of the
22 Courts of the State of California. I am counsel for defendant Intersec Interactive ("Intersec"). I have
23 personal knowledge of the facts set forth in this Declaration and could testify competently thereto if
24 called upon to do so.

25 2. I make this declaration in response to the Court's August 26, 2015 Minute Order, served
26 August 26, 2015, attached hereto as Exhibit A. That Order requires me to respond to the Court and
27 submit this declaration detailing why I should not be sanctioned for failing to appear at the Initial
28

DECLARATION OF KAREN TYNAN IN RESPONSE TO AUGUST 26, 2015 MINUTE ORDER;

Case Management Conference scheduled for August 26, 2015 at 1:30 pm.

3. I have been practicing law in California since 2001, primarily in the area of employment law and regulatory law. I am a solo practitioner with one office assistant.

4. We utilize online calendaring software "goclio" for calendaring and matter control purposes. As a backup, I utilize the iPhone calendar.

5. We mistakenly calendared the Initial Case Management Conference for August 27, 2015 instead of August 26, 2015 despite the Court's notice and utilizing the correct dates in pleadings. I am entirely accountable for this mistake. I should have realized the mistake in either goclio or the iPhone calendar.

6. I have never failed to appear at a hearing nor have I ever been sanctioned by any Court.

7. This failure to appear was not willful, and on August 26, 2015, I immediately apologized via e-mail to both opposing counsel and the court's assistant.

8. I have the deepest respect for the scheduling needs of this Court and opposing counsel and have not intentionally sought to infringe upon those needs.

9. I most respectfully apologize for my unfortunate failure to attend the Initial Case Management Conference, due solely to my inadvertent personal error for which I take full responsibility, and will not repeat.

I declare under penalty of perjury under the laws of the State of California that all of the foregoing statements are true and correct and that this Declaration was executed on August 28, 2015, at Santa Rosa, California.

Dated: 8/28/15


KAREN TYNAN
Attorney for Defendants,
INTERSEC INTERACTIVE, INC.

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CIVIL CONFERENCE MINUTE ORDER

Date: 8/26/15	Time: 2:16-2:22	Judge: DONNA M. RYU
Case No.: 4:15-cv-01145-DMR	Case Name: Braga, et al v. Intersec Interactive, Inc.	

Attorney for Plaintiffs: David Lipps
Attorney for Defendant: No Appearance

Deputy Clerk: Ivy Lerma Garcia **FTR:** 2:16-2:22

PROCEEDINGS

Initial Case Management Conference not held

Defendant failed to appear. Order to Show Cause to issue.

Case set for Initial Case Management Conference on 9/2/2015 at 1:30 p.m.

Order to Show Cause to be issued by:

☐ Plaintiff ☐ Defendant ☒ Court

cc: Chambers

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARAH BRAGA, et al.,
Plaintiffs,

v.

INTERSEC INTERACTIVE, INC.,
Defendant.

Case No. 15-cv-01145-DMR

**ORDER TO SHOW CAUSE FOR
DEFENSE COUNSEL'S FAILURE TO
APPEAR AT CASE MANAGEMENT
CONFERENCE**

The court held a case management conference on August 26, 2015. Counsel for Defendant failed to appear. By **August 31, 2015**, counsel for Defendant shall respond to this order to show cause for why she should not be sanctioned for her failure to appear at the case management conference.

IT IS SO ORDERED.

Dated: August 26, 2015



Donna M. Ryu
United States Magistrate Judge